

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In RE:	:	
	:	Case No. 14-MD-2548 (VEC)
COMMODITY EXCHANGE, INC., GOLD	:	
FUTURES AND OPTIONS TRADING	:	
LITIGATION	:	
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	:	
<i>This Document Relates To All Actions</i>	:	
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**DECLARATION OF SAMI H. RASHID IN SUPPORT OF PLAINTIFFS' MOTION  
FOR ISSUANCE OF HAGUE CONVENTION REQUEST FOR INTERNATIONAL  
JUDICIAL ASSISTANCE TO OBTAIN TESTIMONY OF FORMER EMPLOYEES OF  
BARCLAYS BANK PLC**

I, Sami H. Rashid, state and declare as follows:

1. I am a member of the bar of this Court and a partner at Quinn Emanuel Urquhart & Sullivan, LLP, counsel to Plaintiffs and Interim Co-Lead Counsel for the Proposed Gold Class in the above-captioned litigation. I respectfully submit this Declaration in support of Plaintiffs' motion, pursuant to Federal Rule of Civil Procedure 28(b) and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, 23 U.S.T. 2555, *reprinted in* 28 U.S.C. § 1781, for issuance of a Letter of Request to the Senior Master of the Queen's Bench Division of the High Court of England and Wales for international judicial assistance in obtaining sworn testimony from Mr. Daniel James Plunkett, Mr. Cengiz Belentepe, Mr. Martyn Whitehead, Mr. Atanas Krastanoff, Mr. Marc Booker, and Mr. James Strawson respectively, former employees of Defendant Barclays Bank plc. ("Barclays") who, upon information and belief, currently reside in the United Kingdom and are neither domiciled nor doing business in the United States.

2. In a letter dated August 26, 2020, counsel for Barclays stated that they were not

representing Mr. Plunkett, Mr. Belentepe, Mr. Booker, or Mr. Krastanoff in this litigation. Counsel for Barclays stated that together with Caroline Hunter-Yeats of Simmons & Simmons LLP in London, they are representing Mr. Whitehead “in connection with any Hague Convention proceedings,” and that Whitehead was “not prepared to voluntarily accept a Rule 45 subpoena issued from the Southern District of New York.” Counsel for Barclays further stated that they are unaware of any “statute, rule, or controlling case law stating that a party defendant’s former employee, residing outside of the United States and over which the Court lacks jurisdiction, is required to accept voluntarily a Rule 45 subpoena.”

3. In a letter dated September 11, 2020, counsel for Defendant Barclays notified me that they are representing Mr. Strawson, who resides in England, but that they have no information on the representation of Mr. Krastanoff. Counsel for Barclays reiterated that Mr. Whitehead “will not voluntarily agree to accept service of a Rule 45 subpoena for a deposition in this case.”

4. Attached as Exhibit A to this Declaration is a true and correct copy of Plaintiffs’ Request for International Judicial Assistance Pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters in relation to Mr. Plunkett’s, Mr. Belentepe’s, Mr. Whitehead’s, Mr. Krastanoff’s, Mr. Booker’s, and Mr. Strawson’s respective depositions.

5. Attached as Exhibit B to this Declaration is the Stipulation and Protective Order, filed January 18, 2017 (Dkt. No. 208).

6. Attached as Exhibit C to this Declaration is Plaintiffs’ Third Consolidated Amended Class Action Complaint, filed June 16, 2017 (Dkt. No. 266).

7. Attached as Exhibit D to this Declaration is the Court’s Third Amended Fact Discovery Schedule, filed August 4, 2020 (Dkt. No. 446).

8. The examinations of Mr. Plunkett, Mr. Belentepe, Mr. Whitehead, Mr. Krastanoff, Mr. Booker, and Mr. Strawson respectively, will be limited to seven hours on-the-record. Their respective depositions will proceed under the terms of the Protective Order and therefore will be given confidential treatment in connection with this litigation.

9. Upon the Court's issuance of the Letter of Request, counsel for Plaintiffs will cause to be filed the Letter of Request, along with an accompanying application and proposed order, with the Royal Courts of Justice, The Senior Master (Queen's Bench Division), Royal Courts of Justice Strand, London WC2A 2LL, England. Upon approval and issuance of the proposed order by a Master of the High Court of Justice, Queen's Bench Division, and appointment of the Examiner, Plaintiffs will proceed with the scheduled depositions of Mr. Plunkett, Mr. Belentepe, Mr. Whitehead, Mr. Krastanoff, Mr. Booker, and Mr. Strawson.

Dated: October 14, 2020  
New York, New York

Respectfully submitted,



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